

HOUSE BILL REPORT

HB 1560

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to collective bargaining for employees of institutions of higher education.

Brief Description: Regarding collective bargaining at institutions of higher education.

Sponsors: Representatives Conway, Wood and Simpson.

Brief History:

Committee Activity:

Commerce & Labor: 2/4/09, 2/18/09 [DPS].

Brief Summary of Substitute Bill

- Permits employees of institutions of higher education to engage multi-employer bargaining if there is mutual agreement, but does not require either multi-employer or coalition bargaining.
- Provides a process for the Legislature to act on initial collective bargaining agreements involving certain new bargaining units.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Staff: Jill Reinmuth (786-7134)

Background:

The Personnel System Reform Act of 2002 (Act) provides for collective bargaining with representatives of civil service employees in general government and institutions of higher education.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

For purposes of negotiations, state agencies are represented by the Governor. Institutions of higher education may be represented by either their governing boards or by the Governor. The Act provides for multi-employer bargaining and coalition bargaining involving state agencies and institutions of higher education represented by the Governor. Representatives of more than one bargaining unit must negotiate one master collective bargaining agreement covering all of the represented employees. Representatives of fewer than 500 employees must bargain in one coalition. The coalition must bargain for a master collective bargaining agreement covering all represented employees.

The Governor must submit requests for funds necessary to implement collective bargaining agreements to the Legislature. The requests must not be submitted to the Legislature unless two conditions are met. First, the requests must be submitted to the Director of the Office of Financial Management (Director) by October 1 prior to the legislative session at which the requests are to be considered. Second, the requests must be certified by the Director as being financially feasible for the state. The Legislature must accept or reject the requests for funds necessary to implement the agreements as a whole. If a significant revenue shortfall occurs, as declared by either the Governor or the Legislature, modifications to the agreements must be negotiated. The terms of an expired collective bargaining agreement remain in effect until a new agreement is negotiated, not to exceed one year. After one year, the employer may unilaterally implement according to law.

Summary of Substitute Bill:

Changes are made to the provisions for multi-employer bargaining and coalition bargaining involving institutions of higher education, and the process for acting on initial agreements with certain new bargaining units.

The provisions for multi-employer bargaining and coalition bargaining do not apply to negotiations involving institutions of higher education, regardless of whether such institutions are represented by their governing boards or by the Governor. Higher education employees may engage in multi-employer bargaining upon mutual agreement of the parties.

The Legislature may act upon a unit's initial collective bargaining agreement if: (1) the unit's representative was certified during or after the legislative session; and (2) the agreement is submitted to the Office of Financial Management and the legislative budget committees prior to the Legislature's final action on the budget or the supplemental budget. This provision applies to legislative action on initial agreements with new units of general government employees and higher education employees.

Substitute Bill Compared to Original Bill:

The process for parties who do not reach agreement by October 1 and who engage in mediation or fact-finding to submit requests for funds necessary to implement collective bargaining agreements is deleted.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on 2/19/09.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill makes three improvements that address unanticipated issues.

First, it gives late-certified bargaining units a means of submitting request for funding to the Legislature. Organizing is an ongoing process. The Personnel System Reform Act (PSRA) does not allow us to anticipate or submit contracts as units are organized.

Second, it gives these bargaining units parity with other units. No one else has a drop-dead date. The bill is respectful of the budget process. It allows the last offer to be submitted to the Legislature, and then be followed by supplemental requests.

Third, it addresses multi-employer bargaining. Bargaining units cannot decide whether or not to come together and engage in multi-employer bargaining. Only the institutions of higher education can decide whether there is multi-employer bargaining.

(With concerns) The drop-dead date should not be changed. Negotiations have been successful. Eliminating the October 1 deadline may cause delays in bargaining. The process for new bargaining units is appropriate.

The current process for multi-employer bargaining works well. In 2007-08 Western Washington University (WWU) opted to have the Governor bargain on its behalf. It was more cost-effective. WWU only employs two labor negotiators. WWU still has the ability to remain unique from other colleges. Eliminating multi-employer bargaining would split the colleges.

(Opposed) None.

Persons Testifying: (In support) Leslie Liddle, Public School Employees of Washington and Service Employees International Union Local 1948.

(With concerns) Cheryl Wolfe-Lee, Western Washington University; and Lou Pisano, University of Washington.

Persons Signed In To Testify But Not Testifying: None.